

and the Applicant has amended claim 1-3 to render moot the rejections thereto under 35 USC § 103. Claims 4 and 5 have been canceled by this amendment.

Referring initially to the objection to the claim language, the Applicants respectfully submit that the term “distributed” was selected to refer to the nature of the network used to implement the present invention. In particular, an amendment to claim 1 emphasizes that the present invention is a method of communicating motion data in which a control software system, a content server, and a client browser are all connected to a distributed network. In this context, the term “distributed” refers to the fact that the control software system, content server, and client browser are or may be “distributed” over a wide geographic area but are connected by the same network.

A search of the internet turned up the following examples of the term “distributed” being used in a similar fashion. The first definition resulted from a definition search of the term “distributed” on Google; the third through fourth definitions resulted from a definition search of the term “distributed network” on Google:

1. A digital information system dispersed over multiple computers and not centralized at a single location. The World Wide Web is a typical example of a distributed system. Individual Web pages themselves are centrally located on servers, but those servers are dispersed widely across the Internet. A distributed system is less susceptible to cataclysmic failure than a centralized one because it has fewer single points of failure, but is also harder to control. Whether this is desirable or undesirable depends largely upon one's political point of view.
teladesign.com/ma-thesis/glossary.html
2. A network with nodes in multiple locations, such as an ISP with a node in Tokyo as well as one in New York City.
www.nas-san.com/gloss.html
3. A system where resources are spread among many computers, instead of being stored in a single location.
projects.edte.utwente.nl/ism/online96/project/kiosk/glossary.htm
4. A network-connected set of locations, each storing one element of a system. A distributed GIS may have the GIS software running on a workstation but use data dispersed at many computer storage locations over a local or wide area network.
cw.prenhall.com/bookbind/pubbooks/clarke/chapter10/custom2/deluxe-content.html

In the case of the present invention, the distributed nature of the network to which the control software system, content server, and client browser are connected allows the functions implemented by these components to be performed by three separate entities. For example, motion programs can be created at a content server by a first entity. The motion programs can then be transferred to the control software system such that a second entity can generate the motion media. The motion media is then transmitted to the client browser to allow a third entity to operate the target device.

Given the foregoing, the Applicant respectfully traverses the Examiner's objection to the term "distributed" as used in claim 1 and by dependency in claims 2-5.

Referring now to the rejection of claims 1-5 under 35 USC § 103(a), the Applicant respectfully submits that, absent the Applicant's own disclosure, the Examiner has failed to identify anything in the record that would motivate one of ordinary skill in the art to combine the Brown and Jones references as suggested by the Examiner.

Brown discloses systems and methods for generating hardware dependent motion commands based on an application program. The Brown patent clearly discloses a motion system in which the various components may communicate using a network, but does not disclose the particular configuration of a content server and client browser connected to a distributed network.

Jones discloses a specialized computer network that takes into account the capabilities of available transmission channels and the transmissions needs of the service requests transmitted by the network. Jones includes a mechanism that converts data to accommodate different data format differences between clients and servers. However, nothing in Jones discloses, teaches, or suggests to one of ordinary skill in the art that this technology could be applied to a motion system such as that disclosed in Brown.

Given the foregoing, the Applicant respectfully submits that neither the Brown reference nor the Jones reference contains a disclosure that would motivate one of ordinary skill in the art to combine these references as suggested by the Examiner. The Applicant thus respectfully submits that the Examiner has used impermissible hindsight in basing the rejection under 35 USC § 103 on the combination of the Brown and Jones references, and withdrawal of this rejection is respectfully requested.

Even if the cited combination is proper, however, the Applicant respectfully submits that this combination fails to disclose, teach, or suggest claim 1 as amended. In particular, the claimed method recites a content server for storing a plurality of hardware independent motion programs. Using a browser, a selected hardware independent motion program is identified and transferred from the content server to the control software system for generation of selected hardware dependent motion media. The selected hardware dependent motion media is then transmitted over the distributed network to cause the target device to operate.

The Applicant respectfully submits that the Brown patent does not disclose, teach, or suggest a content server that is connected to a control software system over a distributed network as recited in claim 1. As briefly described above, the method of claim 1 allows the functions of authoring a hardware independent motion program and of generating hardware independent motion media to be separated by providing a content server and a control software system connected to a distributed network. The separation allows motion programs to be written in a hardware independent format by a first entity and then converted into a hardware dependent format by a second entity.

The claimed invention thus allows a marketplace to develop both for motion programs and for the generation of hardware dependent motion media based on motion programs. In this marketplace, a consumer of motion programs can choose a motion program written by any one of many authors and stored on a content server operated any by one of many entities that sells such programs and then choose a control software services from any one of many entities that provide such services.

The Brown patent does not disclose, teach, or suggest the method as recited in claim 1. The Jones patent does not specifically relate to motion services and thus could not disclose, teach, or suggest a content server for storing motion programs that is connected to a control software system over a distributed network. Given that neither the Brown patent nor the Jones patent teaches the use of a content server as recited in claim 1, the Applicant respectfully submits that the combination of these references also does not disclose, teach, or suggest the claimed method.

Given the foregoing, the Applicant respectfully requests allowance of claim 1. Claims 2 and 3 have been amended to conform to the language of amended claim 1. Claims 4 and 5 have been cancelled by this Amendment.

Submitted herewith is a document (entitled Exhibit A - Listing of All Claims and Amendments (07-25-2005)) containing a listing of the claims as currently presented. The attached Listing contains the text of each pending claim, along with any amendments made hereby (illustrated using strikethrough and underlining) and the status of each pending claim. Exhibit A further contains amendments to the specification that clarify the priority of the present application as reflected in the filing receipt and correct an editing error on page 30 of the application.

Given the foregoing, the Applicant respectfully submits that currently pending claims 1-3 are in condition for allowance, and such allowance is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington this 25th day of July, 2005.

Respectfully submitted,

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CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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